

JS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

OCT 31 2014

PLAINTIFFS

BCM Energy Partners, Inc.

JUDGE WOODS

DEFENDANTS

See addendum "A"

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jeffrey A. Udell, Peter M. Sartorius, Olshan Frome Wolosky LLP, Park Avenue Tower, 65 East 55th Street, New York, NY 10022, 212-451-2300

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Securities fraud (15 USC 78j(b); 17 CFR 240.10b-5; 15 USC 78t(a)) in connection with sale of limited partnership interests in hedge fund.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

Is THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 357 HEALTHCARE/	[] 825 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 890 OTHER	28 USC 157	[] 430 BANKS & BANKING
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL			[] 450 COMMERCE
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT			[] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY			[] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY			PROPERTY RIGHTS	ENCED & CORRUPT
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY		[] 820 COPYRIGHTS	ORGANIZATION ACT
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD		[] 830 PATENT	(RICO)
[] 152 RECOVERY OF	LIABILITY	[] 371 TRUTH IN LENDING		[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
DEFAULTED	[] 350 MOTOR VEHICLE				[] 490 CABLE/SATELLITE TV
STUDENT LOANS	[] 355 MOTOR VEHICLE			SOCIAL SECURITY	[x] 850 SECURITIES/
(EXCL VETERANS)	PRODUCT LIABILITY				COMMODITIES/
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	[] 861 HIA (1395(f))	EXCHANGE
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 862 BLACK LUNG (923)	
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	[] 890 OTHER STATUTORY
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	ACTIONS
[] 160 STOCKHOLDERS			RELATIONS	[] 865 RSI (405(g))	[] 891 AGRICULTURAL ACTS
SUITS			[] 740 RAILWAY LABOR ACT		
[] 190 OTHER	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	
CONTRACT	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	LEAVE ACT (FMLA)	[] 870 TAXES (U.S. Plaintiff or	[] 893 ENVIRONMENTAL
[] 195 CONTRACT	[] 440 OTHER CIVIL RIGHTS	[] 510 MOTIONS TO		Defendant)	MATTERS
PRODUCT	(Non-Prisoner)	VACATE SENTENCE	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF
LIABILITY		28 USC 2255	LITIGATION	26 USC 7609	INFORMATION ACT
[] 196 FRANCHISE		[] 530 HABEAS CORPUS	[] 791 EMPL RET INC		[] 896 ARBITRATION
		[] 535 DEATH PENALTY	SECURITY ACT		[] 899 ADMINISTRATIVE
		[] 540 MANDAMUS & OTHER			PROCEDURE ACT/REVIEW OR
					APPEAL OF AGENCY DECISION
REAL PROPERTY	[] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 950 CONSTITUTIONALITY OF
[] 210 LAND	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION		STATE STATUTES
CONDEMNATION	[] 443 HOUSING/	[] 555 PRISON CONDITION	APPLICATION		
[] 220 FORECLOSURE	ACCOMMODATIONS	[] 560 CIVIL DETAINEE	[] 465 OTHER IMMIGRATION		
[] 230 RENT LEASE &	[] 445 AMERICANS WITH	CONDITIONS OF CONFINEMENT	ACTIONS		
EJECTMENT	DISABILITIES -				
[] 240 TORTS TO LAND	EMPLOYMENT				
[] 245 TORT PRODUCT	[] 446 AMERICANS WITH				
LIABILITY	DISABILITIES -OTHER				
[] 290 ALL OTHER	[] 448 EDUCATION				
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23
DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
☐ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

BCM Energy Partners, Inc.
 415 Madison Avenue, Floor 15
 New York, New York 10017

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Black Diamond Capital Appreciation Fund, L.P.; Black Diamond GP, L.L.C.; Black Diamond Investments, L.P. - 195 Maplewood Avenue, Maplewood, NJ 07040

International Lending Services - P.O. Box 864, Stamford, CT 06890

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Nicholas Lattanzio

Pasquale Montesanti

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 10/31/2014 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO
☒ YES (DATE ADMITTED Mo. 08 Yr. 2008)
 Attorney Bar Code # PS9691

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

ADDENDUM "A"

DEFENDANTS:

Black Diamond Capital Appreciation Fund, L.P.

Black Diamond GP, L.L.C.

Black Diamond Investments, L.P.

International Lending Services

Nicholas Lattanzio

Pasquale Montesanti